

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2373

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 19-120; RELATING TO INITIATIVE PETITIONS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 19, chapter 1, article 2, Arizona Revised Statutes,
3 is amended by adding section 19-120, to read:

4 19-120. Constitutional amendment; submittal to supreme court

5 A. FOR ANY INITIATIVE PETITION THAT PROPOSES AN AMENDMENT TO THE
6 CONSTITUTION, THE FOLLOWING SHALL APPLY IF A PETITIONER REQUESTS A
7 DETERMINATION FROM THE SUPREME COURT OF WHETHER THE MEASURE CONTAINS MORE
8 THAN ONE PROPOSED AMENDMENT:

9 1. THE PETITIONER SHALL SUBMIT TO THE SECRETARY OF STATE NOT LATER
10 THAN MARCH 1 OF THE YEAR IN WHICH THE MEASURE WOULD APPEAR ON THE BALLOT AT
11 LEAST TEN PER CENT OF THE REQUIRED NUMBER OF SIGNATURES FOR A PRELIMINARY
12 TALLY. THE PRELIMINARY TALLY SHALL CONSIST OF A COUNT OF THE NUMBER OF
13 SIGNATURES SUBMITTED WITHOUT REGARD TO THE REQUIREMENTS FOR VALID SIGNATURES
14 PRESCRIBED IN SECTION 19-121.01 AND THE SECRETARY OF STATE SHALL NOT MAKE ANY
15 DETERMINATIONS AS TO THE VALIDITY OF ANY SIGNATURE. THE PRELIMINARY TALLY OF
16 THE SECRETARY OF STATE IS NOT AN APPEALABLE AGENCY ACTION, IS NOT SUBJECT TO
17 JUDICIAL REVIEW AND SHALL NOT BE DEEMED A DETERMINATION OF VALIDITY FOR ANY
18 PURPOSE.

19 2. THE SECRETARY OF STATE SHALL COMPLETE ITS PRELIMINARY TALLY WITHIN
20 TEN BUSINESS DAYS OF RECEIPT OF THE SIGNATURES FROM THE PETITIONER AND SHALL
21 RETURN THE ORIGINAL PETITIONS TO THE PETITIONER WITHOUT RETAINING PHOTOCOPIES
22 OR FACSIMILES OF THE PETITIONS AND SIGNATURES. IF THE PETITIONER HAS
23 SUBMITTED AT LEAST TEN PER CENT OF THE REQUIRED SIGNATURES, THE SECRETARY OF
24 STATE SHALL CERTIFY TO THE SUPREME COURT THAT THE PROVISIONS OF PARAGRAPH 1
25 ARE MET AND SUBMIT THE TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT TO THE
26 DIRECTOR OF THE ARIZONA LEGISLATIVE COUNCIL AND THE SUPREME COURT FOR A
27 DETERMINATION OF WHETHER THE MEASURE CONTAINS MORE THAN ONE PROPOSED
28 AMENDMENT AND IS SUBMITTED IN SUCH A MANNER THAT THE ELECTORS MAY VOTE FOR OR
29 AGAINST SUCH PROPOSED AMENDMENT SEPARATELY.

30 3. WITHIN FIFTEEN CALENDAR DAYS OF THE SUBMISSION OF THE TEXT OF THE
31 PROPOSED CONSTITUTIONAL AMENDMENT TO THE ARIZONA LEGISLATIVE COUNCIL, THE
32 DIRECTOR OF THE ARIZONA LEGISLATIVE COUNCIL SHALL FILE A MEMORANDUM WITH THE
33 SUPREME COURT THAT SETS FORTH THE ISSUES TO BE DETERMINED BY THE COURT AND
34 THE RELEVANT LAW.

35 4. THE SUPREME COURT SHALL ISSUE ITS DECISION IN WRITING WITH THE
36 GROUNDS STATED WITHIN FIFTY CALENDAR DAYS OF THE DATE THE MEMORANDUM IS FILED
37 WITH THE SUPREME COURT AS PRESCRIBED IN PARAGRAPH 3 AND MAY ISSUE AN ORDER
38 THAT THE MEASURES BE CONSIDERED SEPARATELY.

39 B. THE SUPREME COURT SHALL PERMIT INTERESTED PERSONS TO BE HEARD ON
40 THE MATTER SUBJECT TO THE RULES OF CIVIL APPELLATE PROCEDURE.

41 Sec. 2. Conditional enactment

42 This act does not become effective unless the Constitution of Arizona
43 is amended by vote of the people at the next general election to establish a
44 procedure for the Arizona supreme court to determine whether an initiative to
45 amend the Arizona Constitution contains more than one proposed amendment.